

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

JOSE DANIEL CARDENAS-RODRIGUEZ,)	
)	
Movant,)	
)	CIVIL ACTION NO.
v.)	1:19-CV-153-C
)	CRIMINAL NO.
)	1:18-CR-016-01-C
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that Movant's claim alleging that counsel provided ineffective assistance by failing to file a notice of appeal should be denied.¹

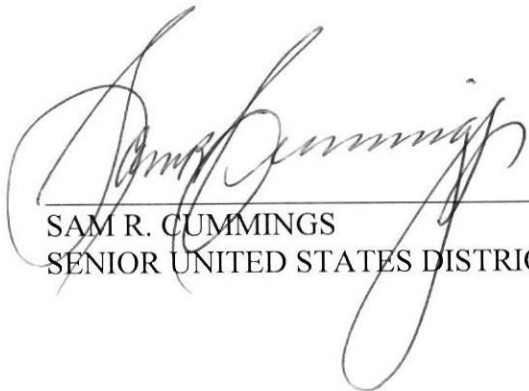
The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

After due consideration and having conducted a *de novo* review, the Court finds that Counsel's objections should be **OVERRULED**. The Court has further conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby

¹ Movant's court appointed counsel filed objections to the Magistrate Judge's Findings, Conclusions, and Recommendation on March 6, 2020. *See* Doc. 31.

ADOPTED as the findings and conclusions of the Court. For the reasons stated therein, Movant's claim that counsel provided ineffective assistance by failing to file a notice of appeal is hereby **DENIED** and **DISMISSED**.

SO ORDERED this 8th day of September, 2020.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE